



~~November 19, 2002 CPC~~  
~~January 21, 2003 CPC~~  
February 26, 2003 BS

STAFF'S  
REQUEST ANALYSIS  
AND  
RECOMMENDATION

03SN0157

Norman Sadler

Matoaca Magisterial District  
South line of Hull Street Road

**REQUEST:** Rezoning from Agricultural (A) to General Business (C-5) with Conditional Use Planned Development to permit exceptions to Ordinance requirements relative to setbacks for buildings, drives and parking and to the requirement that drives and parking areas be paved.

**PROPOSED LAND USE:**

An automobile dealership on adjacent property has expanded onto the subject property without the proper zoning. Rezoning is requested to make the use legal. Also, with approval of this request, other C-5 uses would be permitted. In addition to an exception to the requirement that drives and parking areas be paved, the following setback exceptions have been requested:

I. **Buildings**

- a twenty-six (26) foot exception to the thirty (30) foot side yard setback along the eastern property line.

II. **Drives and Parking**

- a thirty (30) foot exception to the thirty (30) foot side yard setback;
- a thirty-six (36) foot exception to the forty (40) foot rear yard setback;  
and

- a seventy-five (75) foot exception to the seventy-five (75) foot front yard setback.

### PLANNING COMMISSION RECOMMENDATION

RECOMMEND APPROVAL AND ACCEPTANCE OF THE PROFFERED CONDITIONS ON PAGE 2.

### STAFF RECOMMENDATION

Recommend denial for the following reasons:

- A. The proposed zoning and land uses do not comply with the Southern and Western Area Plan which suggests the property is appropriate for rural conservation use.
- B. The proposed zoning and land uses are not compatible with existing and anticipated development in the surrounding area.
- C. The proposal, as submitted, represents over development of the site. The proposal lacks the typical design criteria associated with commercial uses in Emerging Growth Areas, such as landscaping, adequate setbacks and paved parking and drives.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER MAY PROFFER CONDITIONS. THE CONDITIONS NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

### PROFFERED CONDITIONS

- (CPC) 1. Prior to any final site plan approval, 100 feet of right-of-way on the south side of Hull Street Road (Route 360), measured from the centerline of that part of Route 360 immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
- (CPC) 2. No direct access shall be provided from the property to Route 360. (T)

### GENERAL INFORMATION

#### Location:

South line of Hull Street Road, west of Doss Road. Tax ID 699-665-2344 (Sheet 22).

Existing Zoning:

A

Size:

0.2 acre

Existing Land Use:

Commercial

Adjacent Zoning and Land Use:

North, South and East - A; Single family residential  
West - C-5; Commercial

UTILITIES

Public Water and Wastewater Systems:

The public water and wastewater systems are not available to serve the request site. Although a private well and septic system serves this site, the property is within the boundaries of the Southern and Western Area Plan, where use of the public water and wastewater systems is required by Chapter 18 of the County Code. However, the County Code allows the applicant to pursue, from the Planning Commission, a waiver of the mandatory use of the public water and wastewater systems either during site plan review or, if not subject to the site plan review process, by filing an application with the Planning Department on a form prescribed by the Director of Planning and paying a fee to the Planning Department (Sections 18-63(e) and 18-64(d)). Continued use of the private system will require the applicant to seek a waiver of the mandatory connection requirements.

Private Well and Septic Tank/Drainfield Systems:

The Health Department must approve any new, or expanded usage of any existing well and septic systems.

ENVIRONMENTAL

Drainage and Erosion:

The property drains southeast via tributaries to the Appomattox River. There are no existing or anticipated on- or off-site drainage or erosion problems.

## PUBLIC FACILITIES

### Fire Service:

The Clover Hill Fire Station, Company Number 7 and Manchester Volunteer Rescue Squad currently provide fire protection and emergency medical service. This request will have minimal impact on fire and emergency medical service.

### Transportation:

This request will not limit development to a specific land use; therefore, it is difficult to anticipate traffic generation. The property is currently being used for automobile sales. Any redevelopment of the property (0.2 acre) is anticipated to have a minimal impact on the existing transportation network. Vehicles generated by this development are distributed along Hull Street Road (Route 360), which had an estimated 2002 traffic count of 17,180 vehicles per day.

The Thoroughfare Plan identifies Route 360 as a major arterial with a recommended right of way width of 120 to 200 feet. The applicant has proffered to dedicate 100 feet of right of way, measured from the centerline of Route 360, in accordance with that Plan. (Proffered Condition 1)

Development must adhere to the Development Standards Manual in the Zoning Ordinance, relative to access and internal circulation (Division 5). Access to major arterials, such as Route 360, should be controlled. The applicant has proffered that no direct access will be provided from the property to Route 360 (Proffered Condition 2). Access to Route 360 is being provided through the adjacent parcel to the west.

At time of site plan review for any redevelopment of the property, specific recommendations will be provided regarding internal site circulation.

## LAND USE

### Comprehensive Plan:

Lies within the boundaries of the Southern and Western Area Plan which suggests the property is appropriate for rural conservation use. The Plan suggests activities in this area should be limited primarily to agricultural and forest uses with isolated single family residences permitted on parcels larger than five (5) acres until adequate provision is made for public facilities.

### Area Development Trends:

Adjacent properties to the north, south and east are zoned Agricultural (A) and are occupied by residential uses. The property to the west is zoned General Business (C-5) and is

developed commercially with an automobile dealership. The Plan anticipates limited development in this area until adequate provision is made for public facilities.

#### Development Standards:

The property currently lies within an Emerging Growth Area. The purpose of the Emerging Growth District standards is to promote high quality, well-designed projects. The Zoning Ordinance specifically addresses access, landscaping, setbacks, parking, signs, buffers, utilities and screening for developments within these areas. Any new development on the property must comply with these requirements, unless exceptions are granted.

The use is already located on the property. The applicant, as previously noted, is seeking exceptions to some of the development requirements so that the use might continue to operate as it currently does. The applicant obtained a building permit to place a modular unit on the adjacent property to the west, which is zoned General Business (C-5) and would allow the use by right. However, when the unit was placed it was located on the subject property which is zoned Agricultural (A) and does not allow the use. The unit has existed since 1980 and was discovered to be illegal when renewal of the Division of Motor Vehicle license was required by the current owner.

#### CONCLUSIONS

The proposed zoning and land uses do not comply with the Southern and Western Area Plan which suggests the property is appropriate for rural conservation use. The proposed zoning and land uses are not compatible with existing and anticipated area development. In addition, the proposal, as submitted, represents over development of the site. The proposal lacks the typical design criteria associated with commercial uses in Emerging Growth Areas, such as adequate landscaping setbacks and paving.

Given these considerations, denial of this request is recommended. It should be noted that if this request is approved, it will be necessary for site plans for be submitted and for the applicant to seek a waiver to the mandatory connection requirement for public water and wastewater.

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#### CASE HISTORY

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##### Planning Commission Meeting (11/19/02):

On their own motion, the Commission deferred this case to January 21, 2003, to allow the applicant time to determine the exceptions necessary to accommodate the existing improvements.

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Staff (11/20/02):

The applicant was advised in writing that any significant new or revised information should be submitted no later than November 25, 2002, for consideration at the Commission's January 21, 2003, public hearing.

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Applicant (12/16/02):

The applicant submitted proffered conditions, as discussed herein.

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Planning Commission Meeting (1/21/03):

The applicant did not accept staff's recommendation, but did accept the Planning Commission's recommendation. There was no opposition present.

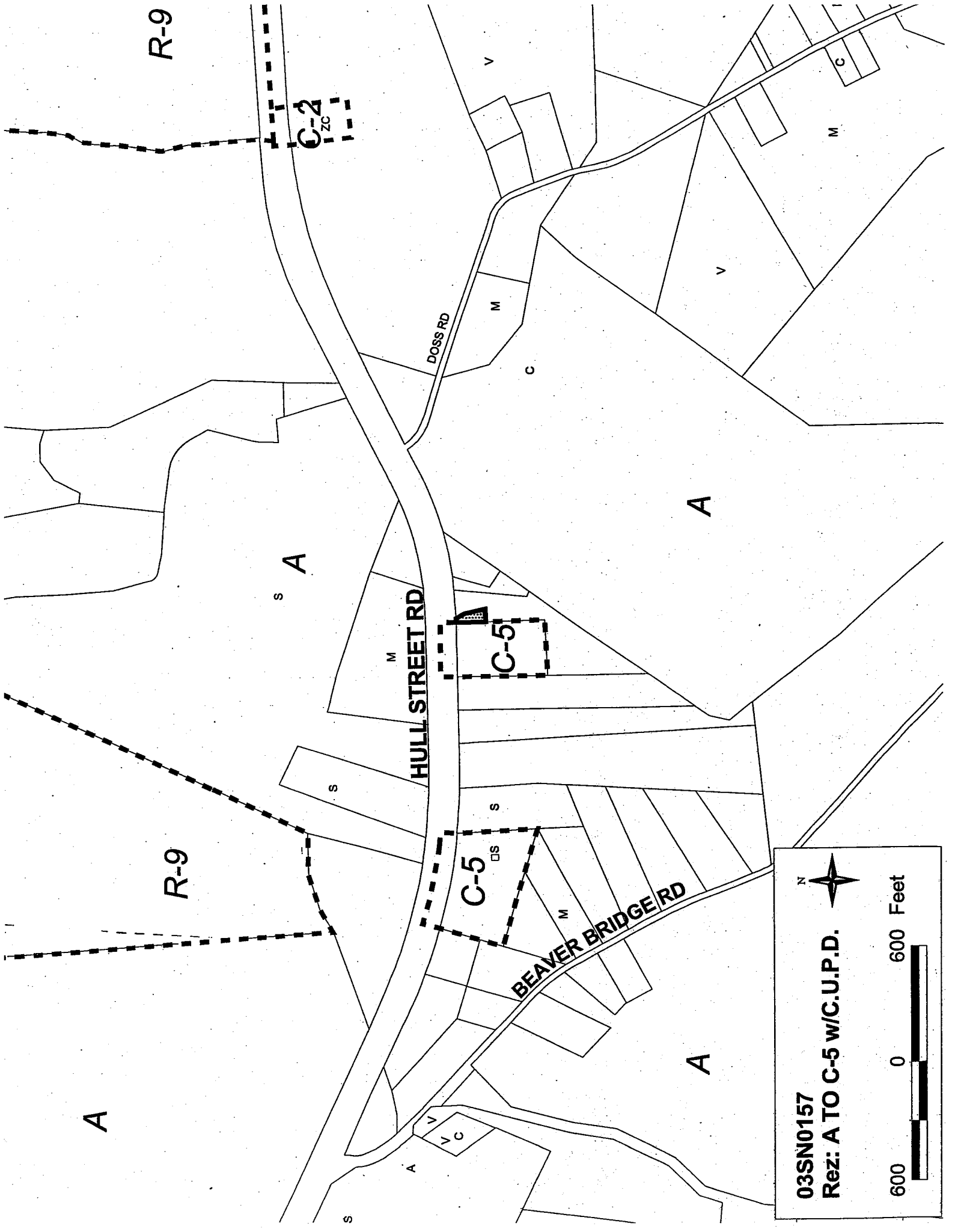
Mr. Stack indicated that the business has existed for a number of years with no apparent adverse impact on the area. He stated that the proposed zoning constituted a very small acreage.

On motion of Mr. Stack, seconded by Mr. Cunningham, the Commission recommended approval of this request and acceptance of the proffered conditions on page 2.

AYES: Unanimous.

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The Board of Supervisors, on Wednesday, February 26, 2003, beginning at 7:00 p.m., will take under consideration this request.



03SN0157

Rez: A TO C-5 w/C.U.P.D.



600 0 600 Feet



# U.S. ROUTE NO. 360

## HULL STREET ROAD

EAST BOUND LANES

